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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-second session

SUMMARY RECORD OF THE 570th MEETING

Held at Headquarters, New York,
on Monday, 5 April 1993, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

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Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries (continued)

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES (continued)

1. Mr. HASIBUAN (Indonesia) said that it was heartening that the Legal Subcommittee was going over, as a priority, agenda item 5 which was of great importance in view of the increasing internationalization of space and rapid commercialization, privatization and industrialization which would have profound effects on the development programmes of many countries, in particular those of developing countries. Therefore, a concept of international cooperation on that subject based on equity and solidarity should be established as a way to give maximum benefits to all countries whether industrialized or developing. To ensure acquisition of advanced technologies and techniques through the application of space technology, access to the use and development of space science and technology must be safeguarded and made available to developing countries at a reasonable price. The establishment of legal principles governing international cooperation in the exploration and utilization of outer space for peaceful purposes would ensure growth and development for the benefit of the third world.

2. In that sense, more could be accomplished in the attempt to reverse the ever-widening gap between the developing nations and the advanced States with the objective of achieving genuine equality, equity, and solidarity in harnessing the potential of outer space for the benefit of all mankind while taking into account the special needs of developing countries. Document A/AC.105/C.2/L.182/Rev.1, submitted by 10 member States of the Group of 77, reflected the need to establish harmonious and relevant equitable legal arrangements. His delegation fully supported that document as a good basis for deliberations at the current session and pledged its commitment to support the Subcommittee's efforts in reaching consensus.

3. Mr. RAO (India) said that the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies had established that outer space was the province of all mankind and that all States had the right to its common use. Legal equality for all States, however, had not resulted in equality in practice. States with sufficient infrastructure and capital to support space programmes had been able to make progress while the others had remained totally or largely on the sidelines of outer space activity. In the background of that factual inequality, the developing countries wanted the utilization of outer space to benefit all States and, in particular, the developing ones. The current task was to find the legal means of achieving that objective.

4. International cooperation on mutually beneficial terms should form the basis for that matter. For there to be equity, favourable treatment should be accorded to the developing countries within the overall framework of equal and non-discriminatory access to outer space. The objectives of international cooperation should be based on the needs and interests of the developing

(Mr. Rao, India)

countries as a whole. While several objectives were possible, it was beyond doubt that the main objective of those countries was to participate in outer space activities. To do so, it was necessary to promote the scientific and technological capabilities and infrastructure of those States. Developing countries which wished to be involved indirectly in space activities should have the opportunity in joint ventures or other similar projects.

5. In all instances of cooperation with developing countries, however, the transfer of technology, including material equipment and scientific know-how, training of personnel and availability of funds and capital were basic requirements. Any legal arrangement between the developed and the developing countries with regard to those essential elements of cooperation should be designed to facilitate, and never to hinder their availability.

6. In addition to optimizing the benefits for all States, use of outer space must also ensure its preservation for future generations. It was the right time for the Legal Subcommittee to think in terms of the concept of sustainable development of outer space.

7. Since India was a developing country with its own space programmes, it was committed to the use of outer space exclusively for peaceful purposes. India's space programmes were oriented towards the needs of people and had as their objective yielding tangible benefits.

8. Lastly, his delegation felt that the working paper submitted by 10 member States of the Group of 77 was a good basis for analysing several aspects of the subject with a view to promoting common understanding.

9. Mr. GONZALEZ BUSTOS (Mexico) said that his Government, together with Argentina, Brazil, Chile, Colombia, Nigeria, Pakistan, the Philippines, Uruguay and Venezuela, had been a sponsor of document A/AC.105/C.2/L.182/Rev.1 which was the product of intensive consultations. Those countries were inspired by the constructive objective of finding formulas of commitment so as to reach a consensus among all States. The document reflected the main concerns of the developing countries as well as the opinions and suggestions put forward by several industrialized countries at the Subcommittee's last session. In essence, the document which was a solid basis for negotiation incorporated the various schools of thought on the subject.

10. Mexico had co-sponsored the document because it fully supported the principle that exploration and use of outer space should be to the benefit and in the interest of all States and that the needs of the developing countries had to be specially taken into account. He reiterated his Government's commitment and determination to be an active partner in the quest for formulas to foster widely accepted legal principles with a view to appropriate distribution of the benefits derived from the exploration and use of outer space.

11. General Assembly resolution 47/67 (1989) was a clear and impressive mandate for the Subcommittee to explore formulas for establishing relevant internationally applicable legal standards. The above-mentioned working paper was a practical way of fulfilling the mandate. His delegation hoped that the

(Mr. Gonzalez Bustos, Mexico)

same spirit of flexibility and collaboration which the sponsors had shown when drafting the document would be fully shared by the other delegations during the current session.

12. Mr. SCHROGL (Germany) said that the peaceful uses of outer space were primarily an international task. That was why Germany participated in multilateral and bilateral space programmes and projects, including those of the United Nations. It participated in the work of the Committee on the Peaceful Uses of Outer Space and in the United Nations Programme on Space Applications, as well as in training and fellowship programmes. Document A/AC.105/523 gave a detailed account of Germany's activities in the peaceful uses of outer space. Within the current legal framework, a wide range of countries, including a number of developing countries, were already benefitting from the exploration and utilization of outer space.

13. Within the framework of the United Nations Programme on Space Applications, Germany had hosted the Fourth United Nations Training Course on Remote Sensing Applications to Geological Sciences, at Potsdam and Berlin, in 1992, which had been attended by 17 specialists in geology and remote sensing from 14 developing countries and Eastern Europe. Germany planned to hold such training courses in the various economic regions of the world, as a sign of its commitment to the transfer to the developing countries of knowledge about space and as a practical means of enhancing the participation of those countries. The fifth course in the series, intended to benefit member States of the Economic and Social Commission for Asia and the Pacific, was due to be held at the end of 1993 in Nepal, in cooperation with the European Space Agency.

14. In the field of basic space science, Germany had supported the activities of the United Nations by sending two scientists to the second United Nations/European Space Agency (ESA) Workshop on Basic Space Science for Developing Countries, in Costa Rica and Colombia. A report on the Workshop was contained in document A/AC.105/530. German experts had given lectures on the topics of ROSAT and GALLEX.

15. Germany noted with satisfaction efforts to create regional centres for space science and technology education, as had been reported in document A/AC.105/534. To contribute to those efforts, it had named a scientist to participate in the evaluation mission to Africa, in the spring of 1993.

16. Additional German activities related to the United Nations Programme on Space Applications included a regional training course on forestry remote sensing, organized by the Food and Agriculture Organization of the United Nations (FAO) and the German Foundation for International Development, in cooperation with the Government of Malaysia. The Agency for Technical Cooperation and the International Union for Conservation of Nature and Natural Resources were establishing a subregional technical support programme through the national remote sensing facility at Harare (Zimbabwe). Germany and other countries, including the United States of America, France and the United Kingdom of Great Britain and Northern Ireland, were donating data via the geostationary satellite METEOSAT to 15 countries in Africa in order to upgrade meteorological applications in that continent.

(Mr. Schrogl, Germany)

17. In 1992, Germany had provided a number of fellowships and training opportunities related to space applications at the German Aerospace Establishment, the Agency for Technical Cooperation and the German Academic Exchange Service. Additionally, the Technical University of Braunschweig offered a complete training programme in space technology, with free tuition. The University of Cologne offered a postgraduate doctoral programme for lawyers, including those holding foreign law degrees.

18. The above-mentioned programmes, even where they did not involve the United Nations Programme on Space Applications, paralleled the Programme's activities in that they offered training opportunities to scientists from developing countries. Furthermore, Germany had signed agreements on scientific and technical cooperation in space activities with developing countries, such as Argentina, Brazil, China, India and Indonesia, and it intended to participate in the Second Space Conference of the Americas, at Santiago, Chile, in April 1993.

19. Germany's activities in the field of space debris, an account of which was contained in document A/AC.105/542/Add.2, were worthy of mention, as well as its participation in the activities of the International Telecommunication Union for the establishment of equitable access to the geostationary orbit. His country supported the equitable distribution of satellite positions.

20. Mr. GONZALEZ (Chile) said that the key element of agenda item 5 was the need to place emphasis on international cooperation in space activities. Such cooperation should not be approached in a one-sided manner, but should be governed by the Charter of the United Nations, the relevant resolutions on the peaceful uses of outer space and the 1967 Treaty Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. The Legal Subcommittee was responsible for defining a framework for international cooperation in that area, in which the States with more resources would certainly have to assume obligations vis-à-vis those with less resources. It was for that reason that the text of agenda item 5 called for particular account to be taken of the needs of developing countries. In that regard, it should be pointed out that, for international cooperation to be effective, it should be pursued in an equitable manner and should take account of the growing interdependence among countries.

21. It was heartening to note the international will that existed to cooperate in space activities, on the basis of norms which were universal in scope and which, in many cases, had the same status of jus cogens. Moreover, the future framework for cooperation, which would have the precedent of the principles relating to remote sensing of the Earth from outer space, adopted by the United Nations General Assembly in 1986, must be based on mutual confidence between peoples. In that connection, he noted the importance of the recent proposal of the delegation of France to the Conference on Disarmament, held at Geneva, that a framework of confidence-building measures for outer space activities should be established.

(Mr. Gonzalez, Chile)

22. At the regional level, the Government of Chile was making considerable efforts in space activities, as demonstrated by its convening of the Second Space Conference of the Americas, to be held at Santiago from 26 to 30 April 1993.

The meeting rose at 11.05 a.m.

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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-second session

SUMMARY RECORD OF THE 571st MEETING

Held at Headquarters, New York,
on Thursday, 8 April 1993, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

CONTENTS

Adoption of the report of the Legal Subcommittee

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The meeting was called to order at 10.15 a.m.

ADOPTION OF THE REPORT OF THE LEGAL SUBCOMMITTEE (A/AC.105/C.2/L.193 and Add.1 to 7)

1. The CHAIRMAN suggested that the meeting should be suspended to allow members to examine thoroughly the draft reports to be adopted by the Subcommittee. The introduction of the draft report was contained in documents A/AC.105/C.2/L.193 and Add.5; the section on agenda item 3 in Add.2; the section on agenda item 4 in Add.3; and the section on agenda item 5 in Add.4. The report of the Chairman of the Working Group on agenda item 3 was contained in Add.1, that of the Chairman of the Working Group on agenda item 4 in Add.6, and that of the Chairman of the Working Group on agenda item 5 in Add.7.

2. The meeting was suspended at 10.20 a.m. and resumed at 11.10 a.m.

A/AC.105/C.2/L.193/Add.1

3. Mr. TICHY (Austria), speaking as Chairman of the Working Group on agenda item 3, submitted its report.

4. The CHAIRMAN said that he would take it that the members of the Subcommittee wished to take note with appreciation of the report to be annexed to the report of the Subcommittee.

5. It was so decided.

A/AC.105/C.2/L.193

Paragraphs 1 to 4

6. Paragraphs 1 to 4 were adopted.

Paragraph 5

7. Mr. BOYER (France) suggested that, in the French version, the alphabetical order of the countries (with the exception of the United Kingdom, whose inverted usage was well established) should be changed to reflect the geographical rather than the political name of States. Accordingly, "Russie (Fédération de)" would replace "Fédération de Russie", and "Tchèque (République)" would replace "République tchèque". That change would facilitate the search for country names in indexes and alphabetical lists.

8. The CHAIRMAN requested the Secretariat to alter the alphabetical order of countries in accordance with the established rules of United Nations protocol in the matter.

9. Paragraph 5 was adopted.

Paragraphs 6 to 12

10. Paragraphs 6 to 12 were adopted.

A/AC.105/C.2/L.193/Add.5

Paragraphs 1 to 3

11. Paragraphs 1 to 3 were adopted.

Paragraph 4

12. The CHAIRMAN suggested that paragraph 4 should be replaced by the following:

"4. The Chairman undertook informal consultations for the purpose of further improving the utilization of conference-servicing resources by the Subcommittee.

"4. bis. During those consultations, the question of the venue of the future meetings of the Legal Subcommittee was discussed. Differing points of view on the subject-matter of this question were expressed. It was observed that this matter was to be addressed by the Committee on the Peaceful Uses of Outer Space. It was felt that in considering this matter it would be useful for the Committee to have a statement from the Secretariat on the financial implications of different options in the resolution of this matter, those implications being one of the factors to be taken into account.

"4 ter. The question of the duration of the session and the allocation of time for consideration of the agenda items was also discussed. It was agreed that at its next session the Subcommittee, when adopting and following the schedule of work, should exercise flexibility in the allocation of time for consideration of items on its agenda. If the time provisionally allocated for the consideration of an item of its agenda is not fully used or is unlikely to be fully used, the Subcommittee should seek, on the basis of consensus, to use the time for the consideration of other items of the agenda, or, as the case may be and on the assumption that three weeks are scheduled for the Legal Subcommittee session, to consider the possibility of concluding the session ahead of the scheduled date. The adoption of this measure is without prejudice to the position of various delegations concerning the duration of the Subcommittee's sessions."

13. Paragraph 4, as amended, was adopted.

Paragraph 5

14. Paragraph 5 was adopted.

Paragraph 6

15. Mr. BOYER (France) said that, in the French version, the word "normalement" in the fifth line should be deleted.

16. Paragraph 6, as orally amended, was adopted.

Paragraphs 7 to 9

17. Paragraphs 7 to 9 were adopted.

A/AC.105/C.2/L.193/Add.2

Paragraphs 1 to 5

18. Paragraphs 1 to 5 were adopted.

19. The CHAIRMAN said that paragraph 6 of the English version had been incorrectly numbered as paragraph 5, and requested the Secretariat to correct the numbering.

20. Paragraph 6 was adopted.

Paragraph 7

21. Paragraph 7 was adopted.

A/AC.105/C.2/L.193/Add.3

Paragraphs 1 to 7

22. Paragraphs 1 to 7 were adopted.

A/AC.105/C.2/L.193/Add.4

Paragraphs 1 to 6

23. Paragraphs 1 to 6 were adopted.

24. The CHAIRMAN suggested that the meeting should be suspended until documents A/AC.105/C.2/L.193/Add.6 and Add.7 were available to the Subcommittee in all working languages.

25. The meeting was suspended at 11.30 a.m. and resumed at 12.05 p.m.

A/AC.105/C.2/L.193/Add.6

26. Mr. ZAWELS (Argentina), speaking as Chairman of the Working Group on agenda item 4, submitted its report.

27. The CHAIRMAN said that he would take it that the Subcommittee wished to take note with appreciation of the report, which would be annexed to the report of the Subcommittee.

28. It was so decided.

A/AC.105/C.2/L.193/Add.7

29. The CHAIRMAN, on the request of the representative of Chile, submitted the report of the Chairman of the Working Group on agenda item 5. He would take it that members wished to take note with appreciation of the report, which would be annexed to the report of the Subcommittee.

30. It was so decided.

Adoption of the report of the Subcommittee (A/AC.105/C.2/L.193 and Add.1 to 7)

31. The CHAIRMAN said that, if he heard no objection, he would take it that the Subcommittee wished to adopt the report as a whole.

32. It was so decided.

33. The CHAIRMAN declared the thirty-second session of the Legal Subcommittee closed.

The meeting rose at 12.13 p.m.